

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

FEB 06 2008

MAUREEN TOFFOLONI,
as Administrator and Personal
Representative of the ESTATE
OF NANCY E. BENOIT,

Plaintiff

v.

LFP PUBLISHING GROUP, LLC,
d/b/a Hustler Magazine, MARK
SAMANSKY, an individual,
and other distributors and sellers of
Hustler Magazine, as Defendants X,
Y, and Z,

Defendants.

JAMES N. HATTEN, CLERK
By: *J. White* Deputy Clerk

Civil Action File No.

~~1~~ 08-cv-0421

TWT

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA:

Defendant LFP Publishing Group, LLC ("Defendant"), by and through its undersigned
counsel, respectfully petitions this Court for removal of the above-entitled action from the
Superior Court of Fayette County, State of Georgia, to the United States District Court for the
Northern District of Georgia, pursuant to 28 U.S.C. §§ 1441 and 1446, and respectfully states as
follows:

1. On or about February 5, 2008, Plaintiff commenced the above-entitled civil action
in the State Court of Fayette County of the State of Georgia by filing a Complaint.

2. Defendant received a copy of the Complaint on February 5, 2008. This Notice of
Removal is filed within 30 days of receipt of the initial pleading as required by 28 U.S.C. §
1446(b).

3. As demonstrated by the allegations in the Complaint, the manner in controversy exceeds the sum of value of \$75,000, exclusive of interest and costs.

4. The case is also between citizens of different states. Defendant is a Delaware corporation with its principal place of business located in the State of California. Plaintiff alleges that she is a resident of the State of Florida.

5. Upon information and belief, no other defendants have been properly joined or served.

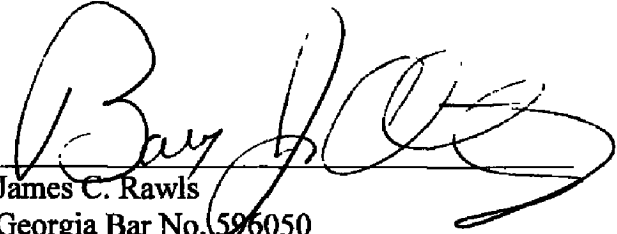
6. The civil action may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441, in that this Court has diversity jurisdiction over the action under 28 U.S.C. § 1332(a)(1).

7. A copy of all process, pleadings and orders served upon Defendant accompanies this Notice of Removal as required by 28 U.S.C. § 1441(a). (See Exhibit A hereto).

8. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal is being filed with the Clerk of the Superior Court of Fayette County, Georgia.

9. Defendant, by virtue of filing this Notice of Removal, does not waive any defenses or objections available to it under the law.

This 6th day of February, 2008.


James C. Rawls
Georgia Bar No. 596050
Barry J. Armstrong
Georgia Bar No. 022055

McKenna Long & Aldridge LLP
303 Peachtree Street, Suite 5300
Atlanta, Georgia 30308
(404) 527-4000

(404) 527-4198 (facsimile)

Of Counsel:

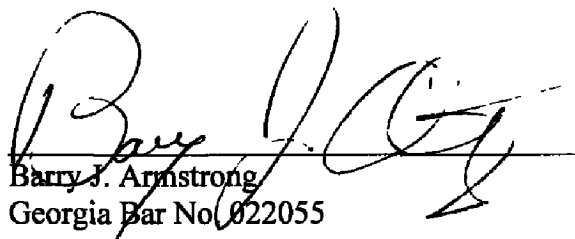
Paul J. Cambria, Jr., Esq.
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CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing **NOTICE OF REMOVAL** upon all parties to the above-captioned action by depositing a copy of the same in the United States Mail, with sufficient postage thereon, addressed to except as otherwise noted:

Richard P. Decker, Esq.
Decker, Hallman, Barber & Briggs
260 Peachtree Street, N.W.
Suite 1700
Atlanta, Georgia 30303

This 6th day of February, 2008.


Barry J. Armstrong
Georgia Bar No. 022055

McKenna Long & Aldridge LLP
303 Peachtree Street, Suite 5300
Atlanta, Georgia 30308
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